IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1176 of 2004

MANCHA RAM
V/S
THANA RAM & ANR

Mr. BK BHATNAGAR, for the appellant / petitioner

Date of Order : 17.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The learned Tribunal has dismissed the claim for want of any evidence.

Learned counsel has produced the certified copy of all the order-sheets right from beginning till the end. A perusal thereat shows that it was on 20.11.2002, that the case was fixed for the claimant's evidence. On 18.12.2002, time was sought, then on 20.1.03, the Presiding Officer was not available, then on 6.2.03, New India Insurance Company was impleaded as party, though, it was earlier struck off, then it was summoned. Then ultimately, again on 2.8.03, issues were struck, and the case was fixed for claimant's evidence on 1.9.03, on which day, again time was sought, then on 29.9.03, again time was sought. Then on 20.10.03 also time was sought, then 10.11.03, the file was not taken up because 8th November 2003 was declared holiday. Then on 29.11.03, 19.12.03, 13.1.04, & 16.1.04, time was sought for evidence. However, no evidence whatever was produced. Learned trial Court thus, noticed that there is no material on record to show that the accident, as alleged, ever occurred resulting into any injury to the appellant, and the appellant is not entitled to any relief, and the claim was thus dismissed.

In my view, when the claim was filed way-back in the year 1999, and the appellant did not lead any evidence for such a long period of time, it was not expected of the learned trial Court to indefinitely keep the matter pending for claimant's evidence. Thus, I do not find any sufficient ground to interfere with the impugned order.

The appeal is, therefore, dismissed summarily.

(N P GUPTA),J.

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